

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: Harold Evans
Debtor

Chapter 13
Bankruptcy No. 20-10678-amc

LSF10 Master Participation Trust, by Caliber Home
Loans Inc., solely in its capacity as servicer, or its
Successor or Assignee

Movant

vs.

WILLIAM C. MILLER, Esq., Trustee
Harold Evans

Respondents

**MOTION OF LSF10 MASTER PARTICIPATION TRUST, BY CALIBER HOME LOANS INC.,
SOLELY IN ITS CAPACITY AS SERVICER, OR ITS SUCCESSOR OR ASSIGNEE FOR RELIEF
FROM AUTOMATIC STAY UNDER § 362(a)**

Movant: LSF10 Master Participation Trust, by Caliber Home Loans Inc., solely in its capacity as servicer, or its Successor or Assignee

Mortgage dated August 9, 2006 and recorded on October 11, 2006 in the Office of the Recorder of Philadelphia County as Document ID No. 51547819.

Assignment of Mortgage dated May 13, 2010 and recorded on June 8, 2010 in the Office of the Recorder of Philadelphia County as Document ID No. 52220733.

Loan Modification Agreement dated August 1, 2014 and recorded August 6, 2014 in the Office of the Recorder of Philadelphia County as Document ID No. 52813440.

Loan Modification Agreement dated March 24, 2016 and recorded on June 21, 2016 in the Office of the Recorder of Philadelphia County as Document ID No. 53074351.

Assignment of Mortgage dated December 1, 2015 and recorded on July 7, 2016 in the Office of the Recorder of Philadelphia County as Document ID No. 53080724.

Assignment of Mortgage dated April 3, 2018 and recorded on April 5, 2018 in the Office of the Recorder of Philadelphia County as Document ID No. 53346940.

1. LSF10 Master Participation Trust, by Caliber Home Loans Inc., solely in its capacity as servicer, or its Successor or Assignee (hereinafter "Movant") holds a claim secured by a duly recorded Mortgage on property of Harold Evans, or of the bankruptcy estate located at: 1152 South 10th Street, Philadelphia, Pennsylvania 19147.

2. Harold Evans (hereinafter "Debtor") filed a Petition under Chapter 13 on February 3, 2020.

3. As of July 13, 2020, the Mortgage requires payments each month of \$2,229.49.

4. Movant has not received regular mortgage payments and lacks adequate protection of its interests.

5. Debtor is in default of post-petition payments to the present date from March 1, 2020.

6. The total amount of the post-petition arrearage as of July 13, 2020 is \$10,744.03. This figure is broken down as follows:

-Five (5) delinquent payments, each in the amount of \$2,229.49, representing the months of March 2020 through July 2020
-Less suspense balance of \$403.42

7. Since July 13, 2020, Movant has incurred attorneys' fees in connection with this Motion.

8. Movant does not have and has not been offered adequate protection for its interest in said premises and may be required to pay expenses for said premises in order to preserve its lien, which is the obligation of the Debtor under said Mortgage.

9. Movant specifically requests permission from the Honorable Court to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

WHEREFORE, Movant prays for an order modifying the automatic stay of Bankruptcy Code §362(a) to permit Movant to foreclose its Mortgage and to exercise any other rights it has under the Mortgage or with respect to the mortgaged property such actions may include but are not limited to selling the property at Sheriff Sale, entering into a loan modification or signing a deed in lieu of foreclosure; and

Further, granting Movant permission from this Honorable Court to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with the applicable nonbankruptcy law.

/s/ Lauren M. Moyer, Esquire

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ANN E. SWARTZ, ESQUIRE ID #201926

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